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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,220	ROUYER ET AL.	
	Examiner	Art Unit	
	Andrew Chriss	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed May 22, 2008, has been entered and carefully considered.
Claim 21 is cancelled, and Claims 1-20 are currently pending.

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the claimed priority date is incorrect. The oath should be resubmitted with a claimed priority date of October 18, 2002, per Applicant's amendment to the specification, dated January 12, 2004.

Claim Rejections - 35 USC § 103

1. **Claims 1 and 8-11** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe (United States Patent 7,061,876) in view of Rigby et al (United States Patent Application Publication US 2003/0223358 A1), hereinafter Rigby.

Regarding Claim 1, Ambe teaches a bridged network system, as shown in Figure 1A. The bridged network comprises a plurality of nodes (switches B1-B5), wherein each node is coupled to communicate with at least one other node in the plurality of nodes, and wherein the plurality of nodes comprise a bridge network between external nodes (terminals A11 through A53) located externally from the plurality of nodes. Further, each node is operable to receive a frame (packet) as shown in Figure 11, wherein the packet comprises a destination MAC address list, as shown in Figure 9B. Further, Ambe teaches that responsive to a packet being received

prior to a time of failure between two of the plurality of nodes, the node transmits the packet along a first route in the system, as shown in step S14 in Figure 11. Examiner asserts that a packet being received prior to a time of failure is equivalent to the normal operating conditions of a network. However, Ambe may not teach transmitting the packet along a second route in the system after a time of failure in response to a route identifier. In the same field of endeavor, Rigby discloses a primary path identifier (PPI) and a down path identifier (DPI) (paragraph 0037). The PPI is assigned a value, compared to a DPI and is used in order to route a packet along a separate path in the event that the primary path is down (paragraph 0039). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the path identifiers taught in Rigby with the bridged network system disclosed in Ambe in order to provide a protection switching mechanism to support traditional telecommunications traffic in packet-based networks.

Regarding Claim 8, Ambe further teaches identifying a transmit port in the node that corresponds to a receipt port in the node, as shown in Figure 7. Further, Ambe teaches transmitting a frame (packet) via the ports (column 4, lines 41-45). However, Ambe may not teach transmitting the packet along a second route. In the same field of endeavor, Rigby teaches transmitting a packet along a second route (paragraph 0039). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the path identifiers taught in Rigby with the bridged network system disclosed in Ambe in order to provide a protection switching mechanism to support traditional telecommunications traffic in packet-based networks.

Regarding Claim 9, Ambe further teaches an optimum spanning tree selection table, which does not contain a destination address (Figure 7). The optimum spanning tree is determined based on a hop count or by a path cost (column 2, lines 43-45). Therefore, the transmitting step is not responsive to a destination address in the packet.

Regarding Claim 10, Ambe teaches multiple nodes being operable to receive and transmit packets along any one of multiple routes, based on information contained in a spanning tree, until the packet reaches terminal A11 via switch B1, which serves as an egress node in the bridged network.

Regarding Claim 11, Ambe further teaches identifying a transmit port in the node that corresponds to a receipt port in the node, as shown in Figure 7. Further, Ambe teaches transmitting a frame (packet) via the ports (column 4, lines 41-45). However, Ambe may not teach transmitting the packet along a second route. In the same field of endeavor, Rigby teaches transmitting a packet along a second route (paragraph 0039). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the path identifiers taught in Rigby with the bridged network system disclosed in Ambe in order to provide a protection switching mechanism to support traditional telecommunications traffic in packet-based networks.

2. **Claims 2-5 and 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby, as applied to claim 1 above, and further in view of Perlman et al (United States Patent 5,796,740), hereinafter Perlman.

Regarding Claim 2, Ambe and Rigby teach all of the limitations of Claim 1, as discussed above. However, the references do not teach determining a third route in the system

after the time of failure, receiving a second packet after the first packet, transmitting the second packet along the third route. In the same field of endeavor, Perlman teaches determining a third link and receiving a subsequent (second) packet. Further, Perlman teaches forwarding said subsequent packet along a third route (column 18, lines 61-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet forwarding taught in Perlman with Ambe, as modified above, in order to reduce the time required to forward data packets.

Regarding Claim 3, Ambe-Rigby-Perlman teach all of the limitations of Claim 2, as described above. However, Ambe and Rigby do not teach changing the state of the route indicator field to cause transmission to the third route after receiving the second packet and prior to transmitting the second packet. In the same field of endeavor, Perlman teaches writing a data link address of a receiving end station into a data link destination address field of a first packet (column 2, lines 52-63) and forwarding said first packet onto said third link (column 18, lines 61-62). Further Perlman teaches writing a data link address into data link destination address field of subsequent packets (which would include a second packet) transmitted to said receiving end station. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet forwarding taught in Perlman with Ambe, as modified above, in order to reduce the time required to forward data packets.

Regarding Claim 4, Ambe-Rigby-Perlman teach all of the limitations of Claim 3, as described above. Further, Ambe teaches the terminal A31 transmits an ARP response frame whose destination MAC address for terminal A11, which is external to the plurality of nodes. (Column 6, lines 21-27). The switch B3, in order to transmit the frame, consults an expanded

learning table (Figure 6), which identifies a transmit port in the node that corresponds to a destination address (MAC address) in the packet. After consulting the expanded learning tree, the switch transmits the ARP response frame along a first route, using a default spanning tree, via a transmit port (column 6, lines 53-56).

Regarding Claim 5, Ambe-Rigby-Perlman teach all of the limitations of Claim 4, as described above. Further, Ambe teaches identifying a transmit port in the node that corresponds to a destination address in the packet, as discussed with regards to Claim 4 above. However, Ambe does not teach transmitting the packet via the transmit port to the third route. In the same field of endeavor, Perlman teaches forwarding a packet along a third route, as discussed with regards to Claim 2 above. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet forwarding taught in Perlman with Ambe, as modified above, in order to reduce the time required to forward data packets.

Regarding Claim 7, Ambe further teaches setting the route indicator field and transmitting it along the first route. However, the references do not teach performing these operations after receiving a second packet. In the same field of endeavor, Perlman teaches receiving a second packet, as discussed with regards to Claim 2 above. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet forwarding taught in Perlman with Ambe, as modified above, in order to reduce the time required to forward data packets.

3. **Claim 6** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby and Perlman as applied to claim 2 above, and further in view of Petersen et al (United States Patent 6,154,448), hereinafter Petersen. Ambe-Rigby-Perlman teach all of the limitations

of Claim 2, as described above. However, the references do not teach a node, adjacent to a failure in the first route, receiving the second packet. In the same field of endeavor, Petersen teaches a method for detecting a failure in a telecommunications network, wherein a second packet is received by a node adjacent to a failed link (column 11, lines 22-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the next hop loopback technique taught in Petersen with Ambe, as modified above, in order to implement the path restoration technique on an “as needed” basis rather than a periodic basis, thus conserving network resources.

4. **Claim 12-14, 16, and 17** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby, as applied to Claims 1 above, and further in view of Navar et al (United States Patent 6,915,445), hereinafter Navar. Ambe and Rigby teach all of the limitations of Claim 1, as described above. Further, Ambe teaches a first node (B3) in the plurality of nodes that receives a packet from a first external node (A31), thus comprising an ingress node. Ambe also teaches a second node (B1) in the plurality of nodes that is coupled to communicate the packet to a second external node (A11), thus comprising an egress node. However, the references do not teach, responsive to a node in the plurality of nodes receiving a packet as an ingress node, inserting an address of the ingress node and the egress node into the packet. In the same field of endeavor, Navar teaches a label switched router (LSR) 105 which acts as an ingress to a network. The LSR then switches the existing labels on the packets with new values representing ingress and egress addresses (column 6, lines 39-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Navar

with Ambe, as modified above, in order to provide distributed processing, thus ensuring the routing will still be able to occur in spite of component failures.

Regarding Claim 13, Ambe further teaches transmitting the packet along either the first route or the second route by identifying a transmit port in the node (Figure 6) and transmitting the packet via the transmit port to either the first or second route (Figure 8), as described with regards to Claim 5 above.

Regarding Claim 14, Ambe further teaches transmitting the packet along either the first or second route responsive to a value of an optimum spanning tree, equivalent to Applicant's route indicator field (Figure 8).

Regarding Claim 16, Ambe further teaches a first route and a second route comprising routes in a plurality of different routes, wherein each route is identified prior to a time of failure using an optimum spanning tree (Figure 7), equivalent to Applicant's route indicator field.

Regarding Claim 17, Ambe further teaches each route in the plurality of different routes being identified by a corresponding and different value in the optimum spanning tree (Figure 7), equivalent to Applicant's route indicator field.

5. **Claim 15** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby and Navar, as applied to claim 14 above, and further in view of Habetha (United States Patent United States Patent 7,031,321). Ambe-Rigby-Navar teach all of the limitations of Claim 14, as described above. However, the references do not teach the packet comprising a field indicating the allowability of an ingress node or a node adjacent a failure to change a state in the route indicator field. In the same field of endeavor, Habetha teaches an UPDATE TRIGGER message, which contains information on changes in the network topology (column 7, lines 41-

51). This message would cause a node that receives it (e.g., an ingress node to a network, a node adjacent to a failure) to change its routing tables, and packets that come through. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the dynamic routing method taught in Habetha with Ambe, as modified above, in order to reduce the quantity of data to be transmitted when updating local routing tables.

6. **Claims 18 and 19** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby and Navar as applied to claim 16 above, and further in view of Nozaki et al (United States Patent 6,950,431), hereinafter Nozaki.

Regarding Claim 18, Ambe-Rigby-Navar teach all of the limitations of Claim 16, as described above. However, the references do not teach the packet comprising a VLAN identifier field. In the same field of endeavor, Nozaki discloses a packet structure containing a VLAN-ID, as shown in Figure 3. It would have been obvious to one of ordinary skill in the art at the time of the invention the teachings of Nozaki with Ambe, as modified above, in order to provide an information relay technique capable of providing a multicast service without increasing the amount of control traffic in the network.

Regarding Claim 19, Ambe-Rigby-Navar teach all of the limitations of Claim 18, as described above. However, the references do not teach the VLAN identifier field facilitating registration of selected different routes in the plurality of routes. In the same field of endeavor, Nozaki teaches a VLAN table in Figure 2 which uses the VLAN-ID to register multiple routes. It would have been obvious to one of ordinary skill in the art at the time of the invention the teachings of Nozaki with Ambe, as modified above, in order to provide an information relay

technique capable of providing a multicast service without increasing the amount of control traffic in the network.

7. **Claim 20** rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Rigby and Navar as applied to claim 16 above, and further in view of Perlman. Ambe-Rigby-Navar teach all of the limitations of Claim 16, as discussed above. However, the references do not teach determining a third route in the system after the time of failure, receiving a second packet after the first packet, or transmitting the second packet along the third route. Perlman teaches determining a third route in the system, receiving a second packet, and transmitting the second packet along the third route, as discussed with regards to Claim 2 above. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet forwarding taught in Perlman with Ambe, as modified above, in order to reduce the time required to forward data packets in order to reduce the time required to forward data packets.

Response to Arguments

8. Applicant's arguments filed May 22, 2008 with respect to rejection of Claim 1 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive. Applicant states that the combination of Ambe and Rigby fail to disclose the claim limitations of "receiving a packet, wherein the packet comprises a route indicator field" and "responsive to the packet being received after a time of failure along a communication link between two of a plurality of nodes and in response to the route indicator field, transmitting the packet along a second route in the system to another node in the plurality of nodes." Examiner respectfully disagrees. Applicant cites portions of the specification that describe the "route indicator field." However, per MPEP

2106: “USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).” Therefore, given its broadest reasonable interpretation, the primary path identifier and down path identifier (paragraph 0025) disclosed in Rigby read on the claimed “route indicator field.” Further, Rigby discloses performing a comparison between the primary path identifier specified in a received packet with a down path identifier, and if the two values match, routing the packet along a secondary path (paragraph 0025; Figure 4). Therefore, rejection of Claim 1 under 35 U.S.C. 103(a) is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Chriss whose telephone number is (571)272-1774. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Chriss
Examiner
Art Unit 2619
9/1/2008

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619